

THIRTY-SECOND DAY  
(Monday, March 10, 1975)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

The following Senators were absent-excused: Lombardino and Ogg.

A quorum was announced present.

The Reverend Lloyd G. Butler, Highlands Church of God, Austin, Texas, offered the invocation as follows:

Our loving heavenly Father, source of all mercies and giver of life, we thank Thee for all You have given, and for all You have forgiven us.

We thank Thee for blessings hidden from our minds when they are dull; for all Thy goodness which we have passed over; for the marvel of beauty in which You have set our lives.

Have mercy upon this great land; and so rule the hearts of Thy servants, our president, our governor, our house of representatives, and especially Governor Hobby and this Senate, that they, knowing whose ministers they are, may, above all things, seek Thy honor and glory; and that we, the people of this great state might faithfully and obediently honor them.

Sanctify all our thoughts and endeavors; and that we may neither begin an action without pure intentions nor continue it without Thy blessing...Through Jesus Christ our Lord, we pray. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 6, 1975, was dispensed with and the Journal was approved.

**LEAVES OF ABSENCE**

Senator Ogg was granted leave of absence for today on account of important business on motion of Senator McKnight.

Senator Lombardino was granted leave of absence for today on account of illness on motion of Senator Traeger.

**MESSAGE FROM THE HOUSE**

Hall of the House of Representatives  
Austin, Texas, March 10, 1975

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

**S.C.R. 28**, Proclaiming March 16 through March 22, 1975, as National Wildlife Week.

Respectfully submitted,  
DOROTHY HALLMAN  
Chief Clerk, House of Representatives

### REPORTS OF STANDING COMMITTEES

Senator Creighton submitted the following reports for the Committee on Economic Development:

**H.B. 471**  
**S.B. 523** (Amended)  
**C.S.S.B. 3** (Read first time)  
**S.B. 362**  
**S.B. 237**  
**H.B. 351**

Senator Brooks submitted the following report for the Committee on Human Resources:

**C.S.S.B. 397** (Read first time)

### SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

By Senators Schwartz and Mauzy:

**S.B. 560**, A bill to be entitled An Act relating to the conduct of criminal intelligence investigations by local law enforcement agencies and handling of information procured; prohibiting noncriminal intelligence investigations; excluding certain investigations; defining certain offenses; providing criminal penalties and private remedies; and declaring an emergency.

To Committee on Jurisprudence.

By Senators Schwartz and Williams:

**S.B. 561**, A bill to be entitled An Act amending Article 20.01, Title 122A, Taxation - General, Revised Civil Statutes of Texas, 1925, as amended, to provide a definition of newspaper; amending Article 20.04, Title 122A, Taxation - General, Revised Civil Statutes of Texas, 1925, as amended, to provide a sales and use tax exemption for the receipts from the sale of, or the storage, use, or other consumption of tangible personal property that becomes an ingredient or component part of certain defined newspapers, and to provide a sales and use tax exemption for the receipts from the printing and sales of certain defined newspapers, or components thereof, under certain limited circumstances; providing for severability; and declaring an emergency.

To Committee on Finance.

By Senator Gammage:

**S.B. 562**, A bill to be entitled An Act amending Sections 320(b) and Section 321 of the Texas Probate Code and providing a time for the payment of claims in estates of wards and further providing that in insolvent estates preference shall be given to claims for care, maintenance, and education of the ward and administrative expenses of the guardianship; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Gammage:

**S.B. 563**, A bill to be entitled An Act amending Section 341(a), Subsection (6) of the Texas Probate Code and relating to the sale of real estate by the personal representative and declaring an emergency.

To Committee on Jurisprudence.

By Senator Gammage:

**S.B. 564**, A bill to be entitled An Act amending Section 341(c) of the Texas Probate Code and providing for venue in the sale of real estate of a minor without guardianship and further providing that such application shall be under oath and declaring an emergency.

To Committee on Jurisprudence.

By Senator Gammage:

**S.B. 565**, A bill to be entitled An Act amending Section 89 of the Texas Probate Code and providing that the Court may require an inventory where a Will is probated as Muniment of Title only; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Gammage:

**S.B. 566**, A bill to be entitled An Act amending Section 236(b) of the Texas Probate Code and relating the Court approval of previous expenditures and eliminating the limitation thereon; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Gammage:

**S.B. 567**, A bill to be entitled An Act amending Section 36 of the Texas Probate Code relating to the duty and responsibility of County and Probate Judges; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Gammage:

**S.B. 568**, A bill to be entitled An Act amending Section 147 of the Texas Probate Code relating to the time an independent executor must plead a suit brought against him; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Gammage:

**S.B. 569**, A bill to be entitled An Act amending Sections 39(b), 39(c), 39(d), and 57 of Article 5547, of the Texas Mental Health Code and providing for appeal to the Court of Civil Appeals in Temporary and Indefinite Commitments; and providing for discretion by the Court in releasing the proposed patient pending appeal; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Ogg:

**S.B. 570**, A bill to be entitled An Act creating a time limitation within which certain actions must be brought against any person performing or furnishing construction or repair of an improvement to real property; amending Chapter 418, Acts of the 61st Legislature, Regular Session, 1969 (Article 5536a, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Jurisprudence.

By Senator Ogg:

**S.B. 571**, A bill to be entitled An Act relating to candidates for district offices covering more than one county paying a proportionate amount of the filing fee to each appropriate county chairman; relating to the conduct, financing and funding of primary elections; relating to the proper party chairman with whom candidates must file an application for a place on the ballot, and further relating to the deadline for filing an application for a place on the ballot; relating to the establishment of a primary fund, and further relating to the filing by the county chairman of a sworn audit or financial statement with the county clerk; amending the Texas Election Code as follows: adding new Sections 185a and 185b; amending Section 186, as amended (Article 13.08, Vernon's Texas Election Code); adding new Sections 186a and 186b; amending Subsection 2 of Section 190 and Subdivision 5 of Section 196, as amended (Articles 13.12 and 13.18, Vernon's Texas Election Code); repealing Sections 193 and 194, as amended (Articles 13.15 and 13.16, Vernon's Texas Election Code), and Articles 13.07a, 13.08a, 13.08b, 13.08c, 13.08c-1, 13.08c-2, 13.08c-3 and 13.08c-4, Vernon's Texas Election Code, as amended; providing for severability of provisions; and declaring an emergency.

To Committee on State Affairs.

By Senator Ogg:

**S.B. 572**, A bill to be entitled An Act amending Section 51.09 of Title Three of the Texas Family Code, and amending Article 38.22 of the Code of Criminal Procedure of Texas; providing for waiver of the right against self-incrimination for children in juvenile court; providing for a finding by the court of such waiver; containing a savings clause and declaring an emergency.

To Committee on Jurisprudence.

By Senator Ogg:

**S.B. 573**, A bill to be entitled An Act relating to capital murder; amending Section 19.03, Texas Penal Code defining capital murder, providing a savings clause and declaring an emergency.

To Committee on Jurisprudence.

By Senator Ogg:

**S.B. 574**, A bill to be entitled An Act amending Article 322 of the Revised Civil Statutes of Texas, 1925, as last amended by Section 2, Chapter 538, Acts of the 60th Legislature, 1967, and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Ogg:

**S.B. 575**, A bill to be entitled An Act providing for The Joinder of Offenses; Amending Section 3.01 of the Penal Code and declaring an emergency.

To Committee on Jurisprudence.

By Senator Ogg:

**S.B. 576**, A bill to be entitled An Act amending Section 8.07 of the Penal Code of Texas, limiting the crimes for which a person younger than 15 years when he committed the offense may be prosecuted; providing that no person may be punished by death for an offense committed when he was younger than 17 years; providing for transfer of persons from criminal court to juvenile court; providing for trial of persons younger than 17 years; repealing Article 30 of the Penal Code of 1925; repealing all conflicting statutes; containing a savings clause; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Ogg:

**S.B. 577**, A bill to be entitled An Act relating to fees paid by probationers; amending Article 42.12, Code of Criminal Procedure; and declaring an emergency.  
To Committee on Jurisprudence.

By Senator Traeger:

**S.B. 578**, A bill to be entitled An Act relating to the creation of and annexation of land to pollution control districts within the San Antonio River Authority and to the financing of these districts; amending Chapter 276, Acts of the 45th Legislature, Regular Session, 1937, as amended; and declaring an emergency.  
To Committee on Intergovernmental Relations.

By Senator Hance:

**S.B. 579**, A bill to be entitled An Act relating to abolishing the office of the County Superintendent of Schools and County Board of School Trustees in Crosby County, Texas; and declaring an emergency.  
To Committee on Education.

By Senator Clower:

**S.B. 580**, A bill to be entitled An Act relating to the procedure for objecting to the court's charge to the jury; amending Article 36.14, Code of Criminal Procedure, 1965; and declaring an emergency.  
To Committee on Jurisprudence.

By Senator Clower:

**S.B. 581**, A bill to be entitled An Act relating to pension systems for firemen, policemen and fire alarm operators in certain cities in the State; amending Chapter 4, Acts of the 43rd Legislature, First Called Session, 1933 (Article 6243a, Vernon's Texas Civil Statutes), as amended, by adding provisions authorizing the Board of Trustees of the Firemen, Policemen and Fire Alarm Operators Pension Fund to appoint an administrator, to contract for assistance of professional investment managers, and to make related custody account agreements with banks; amending provisions to clarify functions of City Secretary and Treasurer and use of public funds; amending provision on investment to require rule of ordinary prudence with Board authorized to determine procedure for investing and withdrawing funds; providing for severability; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Clower:

**S.B. 582**, A bill to be entitled An Act relating to the forfeiture of certain vehicles under the Texas Controlled Substances Act; amending Subsection (a), Section 5.03, Texas Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Jurisprudence.

By Senator Clower:

**S.B. 583**, A bill to be entitled An Act relating to the date on which an unrenewed certificate to practice architecture may be revoked; amending Subsection (b), Section 12, Chapter 478, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 249a, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on State Affairs.

By Senator Hance:

**S.B. 584**, A bill to be entitled An Act relating to membership in the Texas Municipal Retirement System of departments of municipalities; amending Subdivision (c), Subsection 1, Section III, and Subsection 8, Section VII, of Chapter 75, Acts of

the 50th Legislature, 1947, as amended (Article 6243h, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Clower:

**S.B. 585**, A bill to be entitled An Act relating to the determination of benefits for kindergarten students under the Foundation School Program; amending Subsection (b), Section 16.04, Texas Education Code, as amended, and repealing Subsections (c), (d), and (e); amending Section 16.13, Texas Education Code, as amended; and declaring an emergency.

To Committee on Education.

By Senator Clower:

**S.B. 586**, A bill to be entitled An Act relating to the appointment of humane officers by duly incorporated humane societies organized for the prevention of cruelty to animals; providing for the appointment and authority of humane officers; providing for recordkeeping by the county clerk and sheriff; providing for the examination of the appointee; providing for the appointment of the appointee; and providing for the powers of humane officers; and declaring an emergency.

To Committee on State Affairs.

By Senator Gammage:

**S.B. 587**, A bill to be entitled An Act relating to a court administrator system for certain district courts; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Schwartz:

**S.B. 588**, A bill to be entitled An Act amending Section 8 of Chapter 421, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-9b, Vernon's Texas Civil Statutes) by adding a new subsection; and declaring an emergency.

To Committee on State Affairs.

By Senator Schwartz:

**S.B. 589**, A bill to be entitled An Act declaring that it is necessary in order to implement the state policy to encourage and promote the development of regional and area-wide waste collection, treatment, and disposal systems ("systems"), to protect and preserve the quality of the waters of the State, and to authorize conservation and reclamation districts to issue bonds for the purpose of purchasing capacity in or a right to have the wastes of such districts treated in systems owned or to be owned exclusively or in part by other public agencies; amending Chapter 25 of the Water Code declaring that it is necessary to authorize such districts to make such purchases with the proceeds of bonds issued for the purpose of constructing systems; authorizing the issuance of bonds issued for the purpose of constructing systems; validating all proceedings, governmental acts, orders, resolutions, contracts, and other instruments heretofore adopted or executed by a governing body of a district, and of all officers and officials thereof, authorizing the use of bond proceeds or the issuance of bonds for such purposes; prescribing a severability provision; and declaring an emergency.

To Committee on Natural Resources.

By Senator Braecklein:

**S.B. 590**, A bill to be entitled An Act relating to home solicitation transactions; adding Subsections (d) and (e) to Section 2, Chapter 246, Acts of the 63rd Legislature, Regular Session, 1973 (Article 5069-13.02, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Human Resources.

By Senator Braecklein:

**S.B. 591**, A bill to be entitled An Act relating to pension systems for firemen, policemen and fire alarm operators in certain cities in the State; amending Chapter 4, Acts of the 43rd Legislature, First Called Session, 1933 (Article 6243a, Vernon's Texas Civil Statutes), as amended, by amending Section 3 thereof to permit, under a plan authorized by Section 11B thereof, a fireman, policeman and fire alarm operator participating in the pension system to take early retirement by increasing his percentage contribution, notwithstanding existing percentage limitations; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Mengden:

**S.B. 592**, A bill to be entitled An Act authorizing the State Board of Public Welfare to promulgate rules and regulations governing state assistance grants and medical programs for needy individuals without regard to the availability of federal matching funds or federal guidelines; and declaring an emergency.

To Committee on Human Resources.

By Senator Gammage:

**S.B. 593**, A bill to be entitled An Act relating to the liability of school districts for catastrophic injuries to pupils; and declaring an emergency.

To Committee on Education.

By Senator Braecklein:

**S.B. 594**, A bill to be entitled An Act relating to the creation, powers, and duties of an Office of Monitoring and Related Services in the Texas Department of Mental Health and Mental Retardation; amending the Texas Mental Health and Mental Retardation Act, as amended (Article 5547-201, et seq., Vernon's Texas Civil Statutes), by adding Article 5; and declaring an emergency.

To Committee on Human Resources.

By Senator Jones:

**S.B. 595**, A bill to be entitled An Act amending the Texas Seed Law, as amended (Article 93b, Vernon's Texas Civil Statutes), as follows: amending Section 2, relating to definitions of terms used in the act; amending Section 3, relating to label requirements for seed; amending Section 3a, relating to treated seed; amending Subsection (a), Section 4, relating to prohibited acts; amending Section 5, relating to exemptions from requirements of the act; amending Section 6, relating to powers and duties of the commissioner of agriculture; amending Section 7, relating to inspection fees; adding a Section 7A, relating to vegetable seed licenses; providing penalties; and declaring an emergency.

To Committee on Natural Resources.

By Senators Williams and Ogg:

**S.B. 596**, A bill to be entitled An Act relating to the authority of an employee of an airport security force who has been commissioned as a peace officer; amending Subsection (d), Section 1, Chapter 7, Acts of the 63rd Legislature, Regular Session, 1973 (Article 46g, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on State Affairs.

By Senator Williams:

**S.B. 597**, A bill to be entitled An Act relating to the taxation of certain receipts of private clubs operated by veterans' or fraternal organizations; amending Subdivisions

(b) and (d), Subsection 12, Section 15(e), Article I, Texas Liquor Control Act, as amended (Article 666-15e, Vernon's Texas Penal Code); amending Subsection 4, Section (D), Article 20.04, Title 122A, Taxation--General, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

To Committee on Finance.

By Senator Doggett:

**S.B. 598**, A bill to be entitled An Act relating to creating a firemen's relief and retirement fund in certain cities; repealing Sections 6C, 6C-1, 6C-2, 7D, 10D, and 12B, Chapter 125, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 6243e, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Ogg:

**S.B. 599**, A bill to be entitled an Act relating to the political party affiliation of presiding judges and alternate presiding judges of county election precincts; amending Paragraph (a), Section 15, Texas Election Code, as amended (Article 3.01, Vernon's Texas Election Code); and declaring an emergency.

To Committee on State Affairs.

By Senator Gammage:

**S.B. 600**, A bill to be entitled An Act relating to the release of certain prisoners to mandatory supervision and to parole, to executive clemency, and to the restoration of rights and privileges; amending Article 42.12, Code of Criminal Procedure, 1965, as amended, by amending Sections 1, 2, 12, 13, 15, 20, 21, 22, 23, 24, 26, 27, 28, 30, and 31, and by adding Section 15a; and declaring an emergency.

To Committee on Human Resources.

By Senator Longoria:

**S.B. 601**, A bill to be entitled An Act relating to coloring citrus fruit; amending Sections 6, 8, and 11, Chapter 6, page 49, General Laws, Acts of the 46th Legislature, 1939 (Article 118b-1, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Natural Resources.

By Senator Longoria:

**S.B. 602**, A bill to be entitled An Act relating to the issuance of a dealers license to certain persons and to inspection for proof of purchase of citrus fruit; amending Subsection (b), Section 4, and Section 13, Chapter 236, Acts of 45th Legislature, Regular Session, 1937, as amended (Article 118b, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Natural Resources.

By Senator Williams:

**S.B. 603**, A bill to be entitled An Act relating to exemptions from taxation of property owned by disabled veterans and surviving spouses and children of deceased veterans; and declaring an emergency.

To Committee on Finance.

By Senator Creighton:

**S.B. 604**, A bill to be entitled An Act relating to the payment and disposition of royalties from oil and leases covering land leased by the school land board, a board for lease other than the Board for Lease of University Lands, and certain surface owners leasing Relinquishment Act land; amending Sections 1 and 2, Chapter 264, Acts of the 63rd Legislature, Regular Session, 1973 (Article 5344d, Vernon's Texas Civil Statutes); and declaring an emergency.



To Committee on State Affairs.

By Senators Adams and Clower:

**S.B. 605**, A bill to be entitled An Act relating to the creation of the office of state fire marshal and the state fire prevention advisory board, and the prescribing of the powers and duties of and the procedures applicable to that office and board in administering and enforcing a state fire prevention safety regulatory system; repealing Section (b), Article 1.09, and Articles 5.43, 5.44, 5.45, and 5.46, Insurance Code; and declaring an emergency.

To Committee on State Affairs.

By Senator McKinnon:

**S.B. 606**, A bill to be entitled An Act relating to the duty of labor unions to file reports with the secretary of state; providing the authority of the secretary of state to destroy previously filed reports; amending Section 3, Chapter 103, Acts of the 48th Legislature, 1943 (Article 5154a, Vernon's Texas Civil Statutes); providing a penalty; and declaring an emergency.

To Committee on State Affairs.

By Senator McKinnon:

**S.B. 607**, A bill to be entitled An Act providing state financial support on a limited basis for instructional television services and equipment; amending and renumbering Section 21.911, Education Code, entitled "Financial Support for Instructional Television Services"; and declaring an emergency.

To Committee on Education.

By Senator McKinnon:

**S.B. 608**, A bill to be entitled An Act relating to audits of river authorities; repealing Section 7b, Chapter 293, Acts of the 48th Legislature, 1943 (Article 4413a-7b, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on State Affairs.

By Senator McKinnon:

**S.B. 609**, A bill to be entitled An Act making a supplemental appropriation to Texas A&I University in Kingsville; and declaring an emergency.

To Committee on Finance.

By Senator McKinnon:

**S.B. 610**, A bill to be entitled An Act relating to petroleum product franchises; and declaring an emergency.

To Committee on Economic Development.

By Senator Santiesteban:

**S.B. 611**, A bill to be entitled An Act relating to regulation of the practice of optometry; adding Subsection (d) to Section 2.05 and amending Sections 2.02 and 2.04, Subsections (b) and (c) of Section 2.05, Sections 2.07, 2.08, and 2.14, Subsection (c) of Section 2.15, and Subsections (c) and (f) of Section 5.15, Texas Optometry Act (Articles 4552-1.01 et seq., Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on State Affairs.

By Senators Ogg and Hance:

**S.J.R. 46**, Proposing an amendment to Section 11a of Article I of the Constitution of the State of Texas permitting the denial of bail to a person charged with a felony offense; the denial of bail to a person charged with a felony offense committed

while that person was admitted to bail on a prior felony indictment; the denial of bail to a person charged with a crime involving the use of a deadly weapon where there is evidence such person has been convicted of a prior felony offense; providing a limit to that person's incarceration without trial; and granting the right of appeal.

To Committee on Texas Constitution.

By Senator Traeger:

**S.J.R. 47**, Proposing an amendment to Article III of the Texas Constitution, by adding Subsection (d) to Section 52, to give cities, towns, and counties the power to issue revenue bonds for industrial development purposes, or in aid thereof.

To Committee on Texas Constitution.

By Senator Mengden:

**S.J.R. 48**, Proposing an amendment to Article III, Section 51-a, of the Texas Constitution, to delete the requirement that state funds for assistance grants and medical care for needy individuals and families be matched with federal funds.

To Committee on Texas Constitution.

By Senators Schwartz and Harrington:

**S.R. 267**, Directing the Texas Coastal and Marine Council, in cooperation with the Governor's Task Force on Water Resource Conservation and Development, the Interagency Council on Natural Resources and the Environment, and other interested parties, to undertake a comprehensive assessment of institutional and financial aspects of providing estuarine inflows.

To Committee on Natural Resources.

By Senators Schwartz and Harrington:

**S.R. 268**, Directing the Texas Coastal and Marine Council in cooperation with certain other agencies to undertake to develop model minimum buildings standards for high-risk areas along the Texas coast.

To Committee on Natural Resources.

By Senators Schwartz and Harrington:

**S.R. 269**, Directing the Texas Coastal and Marine Council to assist in a comprehensive assessment of current activities, problems and opportunities regarding marine commerce in Texas.

To Committee on Natural Resources.

By Senators Schwartz and Harrington:

**S.R. 270**, Directing Texas Coastal and Marine Council to undertake a comprehensive assessment of current activities, problems and opportunities regarding marine transportation in Texas.

To Committee on Natural Resources.

#### MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on State Affairs, Sub-Committee on Nominations:

Austin, Texas  
March 10, 1975

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR  
SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a Member of the Board of Regents of Midwestern University: For a six-year term to expire February 25, 1978: General G. P. Disosway of Dallas, Dallas County is replacing Mr. Bobby M. Burns of Wichita Falls, Wichita County who is deceased.

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a Member of the State Board of Plumbing Examiners: For a six-year term to expire September 5, 1977: Mr. Jay Lee Drymalla of Columbus, Colorado County is replacing Mr. Joe Bland of Austin, Travis County who resigned.

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a Member of the Texas Sabine River Compact Commission: For a six-year term to expire July 12, 1980: Mr. George Massey Smith of Center, Shelby County is being reappointed.

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a Member of the Board of Regents of State Senior Colleges: For a six-year term to expire January 10, 1981: Mr. Bernard G. Johnson of Houston, Harris County is being reappointed.

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Members of the Board of Regents of Texas Tech University: For a six-year term to expire January 31, 1981: Mr. Don R. Workman of Lubbock, Lubbock County is replacing Mr. R. Trent Campbell of Houston, Harris County whose term expired; Mr. Robert Lee Pfluger of San Angelo, Tom Green County is replacing Mr. Frank Junell of San Angelo, Tom Green County whose term expired; Mr. Charles G. Scruggs of Dallas, Dallas County is being reappointed.

Respectfully submitted,  
DOLPH BRISCOE  
Governor of Texas

**CO-AUTHOR OF SENATE BILL 3**

On motion of Senator Mengden and by unanimous consent, Senators Creighton and Harris will be shown as Co-authors of **S.B. 3**.

**CO-AUTHOR OF SENATE BILL 605**

On motion of Senator Adams and by unanimous consent, Senator Clower will be shown as Co-author of **S.B. 605**.

**CO-AUTHOR OF SENATE BILL 290**

On motion of Senator Braecklein and by unanimous consent, Senator Clower will be shown as Co-author of **S.B. 290**.

**CO-AUTHOR OF SENATE BILL 298**

On motion of Senator Longoria and by unanimous consent, Senator Schwartz will be shown as Co-author of **S.B. 298**.

**CO-AUTHOR OF SENATE BILL 491**

On motion of Senator Schwartz and by unanimous consent, Senator Gammage will be shown as Co-author of **S.B. 491**.

**SENATE BILL 34 ON SECOND READING**

Senator Farabee moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 34** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Tracger and Williams.

Absent-excused: Lombardino and Ogg.

The President laid before the Senate on its second reading and passage to engrossment:

**S.B. 34**, A bill to be entitled An Act relating to offering or agreeing to give or accept or giving or accepting anything of value for children for the purpose of adoption; providing a penalty; amending Section 8(a), The Public Welfare Act of 1941, as amended (Article 695c, Vernon's Texas Civil Statutes), by adding a Subsection 13; and declaring an emergency.

The bill was read second time.

Senator Farabee offered the following Committee Amendment to the bill:

Amend Section 1 of **S.B. 34** by striking everything between the words "practice" and "nor" on line 1 of page 2.

The Committee Amendment was read and was adopted.

On motion of Senator Farabee, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### SENATE BILL 34 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 34** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Lombardino and Ogg.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Lombardino and Ogg.

#### SENATE BILL 211 ON SECOND READING

Senator Harrington moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 211** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Aikin.

Absent-excused: Lombardino and Ogg.

The President laid before the Senate on its second reading and passage to engrossment:

**S.B. 211**, A bill to be entitled An Act relating to the adoption of the Interstate Mining Compact and the creation of the Texas Mining Council; and declaring an emergency.

The bill was read second time and was passed to engrossment.

#### RECORD OF VOTE

Senator Aikin asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### SENATE BILL 211 ON THIRD READING

Senator Harrington moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 211** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Aikin.

Absent-excused: Lombardino and Ogg.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 1.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Aikin.

Absent-excused: Lombardino and Ogg.

#### HOUSE BILL 509 ON SECOND READING

Senator Patman moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **H.B. 509** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Lombardino and Ogg.

The President laid before the Senate on its second reading and passage to third reading:

**H.B. 509**, A bill to be entitled An Act relating to the creation, establishment, administration, maintenance, operation, and financing of the Lavaca Hospital District of Lavaca County, Texas, under Article IX, Section 9, of the Texas Constitution; and declaring an emergency.

The bill was read second time.

Senator Patman offered the following Committee Amendment to the bill:

Amend House Bill 509, Engrossed Copy, as follows:

(1) Amend Section 2 to read as follows:

Sec. 2. The district herein authorized to be created shall take over and there shall be transferred to it title to all land, buildings, improvements, and equipment pertaining to the hospitals or hospital system owned by the county within the boundaries of the proposed district and any city or town within the proposed district, and thereafter the district shall provide for the establishment of a hospital system by the purchase, gift, construction, acquisition, repair, or renovation of buildings and equipment, and equipping same, and the administration thereof for hospital purposes. The district may take over and may accept title to land, buildings, improvements, and equipment of a nonprofit hospital within the district if the governing authority or authorities of the hospital and district agree to the transfer. The district shall assume the outstanding indebtedness incurred by any city or town within the district or by the county for hospital purposes within the boundaries of the district prior to the creation of the district and may assume the outstanding indebtedness incurred by a nonprofit hospital taken over by the district.

(2) On page 4, lines 5 and 6, strike the words "or by any nonprofit hospital therein." and substitute the following: "therein and authorizing the assumption of outstanding indebtedness incurred by a nonprofit hospital taken over by the district."

The Committee Amendment was read and was adopted.

On motion of Senator Patman and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### HOUSE BILL 509 ON THIRD READING

Senator Patman moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 509** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Bracklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Lombardino and Ogg.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Lombardino and Ogg.

#### SENATE BILL 271 ON SECOND READING

Senator Doggett moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 271** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Andujar and Harris.

Absent-excused: Lombardino and Ogg.

The President laid before the Senate on its second reading and passage to engrossment:

**S.B. 271**, A bill to be entitled An Act prohibiting discrimination in employment practices against handicapped persons under certain conditions; amending Chapter 416, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 4419e, Vernon's Texas Civil Statutes), by adding Subsection, (a)(4) to Section 2; and by adding Subsection (f) to Section 3; and declaring an emergency.

The bill was read second time.

Senator Mengden offered the following amendment to the bill:

Amend **S.B. 271** by renumbering Section 3 as Section 4 and adding a new Section 3 to read as follows:

Section 3(a) Nothing in this Act prohibits an employer from utilizing a test or examination administered to all applicants as a means of determining the ability of job applicants to perform the tasks required by a job, provided that such a test or examination be based on the actual tasks to be performed in the job which the applicant is seeking.

(b) Nothing in this Act requires the establishment of any form of quota system in employment practices for handicapped persons.



The amendment was read and was adopted.

On motion of Senator Doggett and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

#### SENATE BILL 271 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 271 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Andujar and Harris.

Absent-excused: Lombardino and Ogg.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 2.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Andujar and Harris.

Absent-excused: Lombardino and Ogg.

#### RESOLUTION SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled resolution:

#### S.C.R. 27

#### SENATE BILL 278 ON SECOND READING

Senator Snelson moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that S.B. 278 be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Lombardino and Ogg.

The President laid before the Senate on its second reading and passage to engrossment:

**S.B. 278**, A bill to be entitled An Act relating to the increase of membership on the Texas Youth Council calling of meetings, quorum, per diem for members, and terms of office; amending Subsections (a), (b), and (d) of Section 4 and Subsection (e) of Section 5, Chapter 281, Acts of the 55th Legislature, Regular Session, 1957 (Article 5143d, Vernon's Texas Civil Statutes); providing an effective date; and declaring an emergency.

The bill was read second time and was passed to engrossment.

#### **SENATE BILL 278 ON THIRD READING**

Senator Snelson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 278** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Lombardino and Ogg.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### **COMMITTEE SUBSTITUTE SENATE BILL 345 ON SECOND READING**

Senator Traeger moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **C.S.S.B. 345** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Lombardino and Ogg.

The President laid before the Senate on its second reading and passage to engrossment:

**C.S.S.B. 345**, A bill to be entitled An Act providing that a State employee may be paid in a lump sum for vacation time duly accrued at the time of separation from State employment; and declaring an emergency.

The bill was read second time and was passed to engrossment.

#### **COMMITTEE SUBSTITUTE SENATE BILL 345 ON THIRD READING**

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 345** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Lombardino and Ogg.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Lombardino and Ogg.

#### **SENATE BILL 298 ON SECOND READING**

Senator Longoria moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that S.B. 298 be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Mauzy and Patman.

Absent-excused: Lombardino and Ogg.

The President laid before the Senate on its second reading and passage to engrossment:

**S.B. 298**, A bill to be entitled An Act relating to including all cities, towns, and villages under the provisions of Chapter 63, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 1269j-4.1, Vernon's Texas Civil Statutes), authorizing the construction of city facilities, issuance of revenue bonds, and imposition of a local hotel occupancy tax; amending Section 1, Chapter 63, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 1269j-4.1, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to engrossment.

#### RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### SENATE BILL 298 ON THIRD READING

Senator Longoria moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 298** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Mauzy and Patman.

Absent-excused: Lombardino and Ogg.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Moore, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Mauzy and Patman.

Absent-excused: Lombardino and Ogg.

#### NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate: